

**INTERIM REPORT No. 1
26 June – 7 July 2009**

13 July 2009

I. EXECUTIVE SUMMARY

- The OSCE/ODIHR EOM opened its office in Chisinau on 26 June, with a 13-member core team and 20 long-term observers, who have been deployed to nine regional centres throughout the country. They are drawn from 22 OSCE participating States.
- Early parliamentary elections will be held in the Republic of Moldova on 29 July 2009 following the failure to elect a new President twice and the subsequent dissolution of the Parliament elected on 5 April 2009. The elections take place against the backdrop of violent demonstrations that followed the April's parliamentary elections.
- The political atmosphere has remained very strained since the April elections and is characterized by the lack of co-operation and trust between the governing party and the opposition. A certain political fatigue on the part of both political parties and the electorate is visible.
- The Election Code and other relevant legislation provide an overall adequate basis for the conduct of democratic elections. Recent amendments to the Election Code lowered the threshold for party representation in the Parliament from six to five per cent and reduced the turnout requirement for an election to be valid from half to one third of registered voters. These changes partly addressed previous recommendations by the Council of Europe's Venice Commission (VC/CoE) and the OSCE/ODIHR.
- The three-tiered election administration started preparations for the conduct of early elections within a shortened electoral timeframe. The composition of 35 District Electoral Councils (DECs) and some 2,000 Precinct Electoral Bureaus (PEBs) has changed to reflect the composition of the newly elected Parliament.
- Political parties and independent candidates had to submit their registration documents to the Central Election Commission (CEC) until 7 July, which is to complete candidate registration by 12 July. As of 7 July, eight parties were registered and registration of two more political parties and two independent candidates was pending.
- The compilation of voter lists, vested with local authorities, had to be completed by 6 July. Following criticism about the quality of voter lists after the April elections, the CEC intends to conduct additional checks of the lists' accuracy. Two NGOs supported by the donor community will monitor the voter lists' compilation and verification.
- The public broadcaster is obliged to provide free airtime equally to all contestants in the format of debates which commenced on 9 July. Private broadcasters may also offer free of charge debates and paid advertisements to electoral contenders. So far, televised advertisements have been produced and aired by three contestants.

II. INTRODUCTION

Following an invitation by the Ministry of Foreign Affairs and European Integration of the Republic of Moldova of 19 June, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) on 26 June.¹ The OSCE/ODIHR EOM, led by Ambassador Boris Frlec, consists of a 13-member core team based in Chisinau and 20 long-term observers, who were deployed on 2 July to nine regional centres of Moldova. To date, the OSCE/ODIHR EOM consists of nationals of 22 OSCE participating States. The OSCE/ODIHR has requested the participating States to second 200 short-term observers to observe opening of polling stations, voting, counting and tabulation of results.

III. BACKGROUND

The last parliamentary elections were held in Moldova on 5 April 2009. The EOM concluded that while many of the OSCE and Council of Europe commitments were met, further improvements were required to ensure an electoral process free from undue administrative interference and to increase public confidence. The observation of post-election day developments revealed further shortcomings that challenged some OSCE commitments, in particular the disregard for due process in adjudicating complaints of alleged irregularities and deficiencies in the compilation of voter lists lodged by opposition political parties.²

Early parliamentary elections scheduled for 29 July 2009³ were triggered by the failure of the newly elected Parliament to designate a new President twice. None of the four political parties that entered the Parliament secured the three fifths majority (minimum of 61 votes) necessary for electing a President. Subsequently, the Parliament was dissolved and, on 15 June, the date of early parliamentary elections was established by a presidential decree in line with national legislation.⁴ Of 101 seats, the governing Party of Communists of the Republic of Moldova (PCRM) gained 60 seats, the Liberal Party (PL) 15 seats, the Liberal Democratic Party of Moldova (PLDM) 15 seats and the Alliance “Our Moldova” (AMN) 11 seats.

The 101 Members of Parliament are elected in a single nationwide constituency by proportional representation for four years.

IV. POLITICAL CONTEXT

Since the 5 April elections, which were marred by violent post-election demonstrations, the political atmosphere has remained very strained. It is characterized by the lack of co-operation between the governing PCRM and the parliamentary opposition, exacerbated by the animosity between party leaders.

On 10 June, a well-known representative of the PCRM, former Speaker of Parliament, Mr. Marian Lupu, left the party to head the candidate list of the Democratic Party of Moldova (PDM). Subsequently, other PCRM members defected to the PDM.

¹ The OSCE/ODIHR EOM was deployed somewhat behind the initial schedule due to the delay in issuance of visas to the EOM logistics staff by the Moldovan authorities.

² OSCE/ODIHR Final Report on 5 April parliamentary elections, available at http://www.osce.org/documents/odihr/2009/06/38185_en.pdf

³ For the first time an election will be held on Wednesday; the day was declared a public holiday.

⁴ See Article 78 of the Constitution and Articles 2, 9 and 10 of the law on the Procedures for Electing the President.

V. LEGAL FRAMEWORK

The Constitution (adopted in 1994), the Election Code (adopted in 1997), and other relevant legislation generally provide an adequate basis for the conduct of democratic elections. The most recent amendments to the Election Code were passed in June 2009. The electoral threshold for party representation in the Parliament was lowered from six to five per cent and the turnout requirement for an election to be valid was reduced from half to one third of registered voters. These amendments partially addressed previous recommendations by the OSCE/ODIHR and VC/CoE.

One of the key recommendations made in the 2008 Joint OSCE/ODIHR and VC/CoE Opinion on the Election Code,⁵ as well as in the OSCE/ODIHR Final Report on the 5 April parliamentary elections, was to define clearly the powers and responsibilities of state bodies and courts for the review of complaints and appeals to avoid conflicts of jurisdictions. This issue was not addressed by the recent amendments although it was recurrently identified as a shortcoming, especially in relation to the filing and resolution of media-related complaints.

On 23 June 2009, the Central Election Commission (CEC) issued a Media Regulation with paragraph 9 stating that the CEC does not have jurisdiction over media-related complaints and that such complaints are to be filed with the courts.⁶ Following the complaint by AMN against this provision, the Supreme Court invalidated paragraph 9 of the Regulation on 6 July 2009, and reinstated the parallel jurisdiction of the CEC and the courts with regard to media-related complaints. As of 3 July 2009, the Chisinau Court of Appeal has received 16 election-related complaints; six filed by ANM and ten by private individuals.

VI. ELECTION ADMINISTRATION

After early elections were set for 29 July, the Parliament interpreted the Article 76 paragraph 3 of the Election Code in such a way that the standard electoral timeframe of 60 days will be reduced for these elections.⁷ Having been called only 44 days before election day, all electoral deadlines were reduced by one fourth.

The CEC started preparing for early parliamentary elections already in advance of their announcement, ordering printing of election materials and drafting CEC decisions. As of 7 July, the CEC has passed over 120 decisions dealing with a variety of issues. In addition, according to the CEC, all its decisions passed for the April elections, if not amended, will be applicable to the early parliamentary elections.

Amendments to the Regulations on Precinct Electoral Bureau activities were among the most important recent decisions passed by the CEC. They stipulate that the only person in charge of compiling supplementary voter lists on election day will be the respective PEB's Secretary⁸; it also specifies that each PEB member will be assigned part of a voters list to be handled exclusively by this member and signed by him/her at the end of voting.⁹ According to the CEC,

⁵ Joint OSCE/ODIHR and VC/CoE Opinion on the Election Code of Moldova as of 10 April 2008, p.5, http://www.osce.org/documents/odihr/2008/10/34561_en.pdf.

⁶ See the decision and regulation at http://www.cec.md/i-ComisiaCentrala/main.aspx?dbID=DB_RegulamentPrivindReflectare257.

⁷ Law #24-XVII on Application of Article 76, Para 3 of the Election Code of 21 November, 1997, passed on 15 June, 2009.

⁸ CEC Decision #2585 of 18 June 2009, appending Article 67 of the Regulations on PEB activities, the Guide for DEC and PEB members.

⁹ CEC Decision #2640 of 23 June 2009, appending Article 53 and 66 of the Regulations on PEB activities, the Guide for DEC and PEB members.

these measures aim at improving the integrity of voter lists, enhancing compliance with the Election Code, as well as the accountability and responsibility of PEB members.

The CEC has started to provide training to the leadership of all the DEC's, as well as to the staff of local administrations, distributing election materials and manuals.¹⁰ Similarly to the April elections, voters' identification documents will be stamped with a newly designed stamp upon the issuance of a ballot as a safeguard against possible multiple voting.

While the CEC membership has not changed since the appointments in 2005, the composition of 35 DEC's and some 2,000 PEB's that will administer the forthcoming elections has changed following April elections to reflect the altered representation of political parties in the Parliament. The representation of political parties in election commission is as follows:

CEC (9 members, appointed in 2005):						
	President	Government	PCRM	AMN	PDM	PPCD
	1	1	2	2	2	1

DECs (11 members, appointed on 22 June, 2009):						
	PCRM	PL	PLDM	AMN	Courts	
	6	1	1	1	2	

PEBs (7-11 members, to be appointed by 14 July, 2009):					
	PCRM	PL	PLDM	AMN	Local Councils
11 members	5	1	1	1	3
9 members	3	1	1	1	3
7 members	2	1	1	0	3

VII. VOTER REGISTRATION

Citizens of the Republic of Moldova, who on election day have reached the age of 18, have the right to vote. Exceptions include those, who have been declared incapacitated by a court, and those sentenced to imprisonment by a final decision of a court for serious crimes.

The Election Code provides for voter lists to be compiled by local executive authorities. The CEC is vested with the responsibility to carry out control over timely compilation and verification of voter lists. After the April elections, the quality of voter lists was subject of strong criticism by the opposition political parties, which alleged serious inaccuracies, duplications and omissions of voter records. To improve the quality of voter lists, the CEC with technical assistance from the donor community foresees additional measures to check the lists compiled by local executive authorities. According to the CEC decision of 9 June, local executive authorities were obliged to compile the voter lists in two copies by 3 July 2009, and to send a copy in electronic format for further checks to the CEC by 6 July 2009. According to the CEC, the voter lists from April's parliamentary elections will be used as a basis, with verified voter data from the supplementary lists included in the regular lists. The CEC has completed a voter information campaign calling voters registered at their temporary residence,

¹⁰ 2,500 copies of the Guide for DEC and PEB members and 1,500 copies of the Election Code with latest amendments.

but who wish to vote at their permanent place of residence, to de-register; the deadline to request this was 26 June.¹¹

Two domestic civil society organizations are planning to implement projects on monitoring voter registration. The Moldovan Institute for Human Rights (IDOM) deployed observers to monitor the process of voter lists compilation carried out by local executive authorities, with particular focus on voters born before 1940 and the cases of high number of voters registered at the same address. The League for Defense of Human Rights of Moldova (LADOM) is planning to observe the verification of voter lists after they will have been made public on 14 July.

VIII. CANDIDATE REGISTRATION AND CAMPAIGN

The period for the submission of registration documents by political parties and independent candidates lasted from 17 June to 7 July. Since five parties submitted their registration documents on the same day, 17 June, the CEC drew lots to determine the order in which these parties will appear on the ballot.¹² Later, three other parties applied for registration. As of 7 July, the CEC had registered eight parties: the PCRM, the Christian-Democratic People's Party (PPCD), the AMN, the PL, the PLDM, the PD, the National Liberal Party (PNL) and the Social Democratic Party of Moldova (PSDM) with candidate lists containing up to 103 candidates. Registration of two more political parties and two independent candidates was pending at the time of writing. The deadline for the completion of candidate registration process is 12 July.

Political parties may commence campaigning as soon as they are registered by the CEC. Certain political fatigue is visible, with campaign activities thus far remaining low-key and rallies being attended by fewer numbers of supporters than during the previous campaign. Parties finance their activities mainly through contributions by party members and donations. According to a CEC decision of 20 June 2009, a party may spend up to 7.5 million Lei¹³ in the course of the campaign. An independent candidate may spend up to 500,000 Lei.¹⁴ Electoral contestants are also entitled to receive interest free loans for campaign purposes.

IX. MEDIA

While a range of television channels operates in Moldova, public television *Moldova 1* remains the main source of public information in many parts of the country, as one of the two channels with countrywide coverage. On 2 July 2009, the OSCE Representative on Freedom of the Media urged the authorities to renew the license of a private broadcaster *Pro TV*, perceived as one of the few sources offering diverse political reporting.¹⁵ On 23 December 2008, the *Pro TV*'s license expired and the Audio-Visual Co-ordinating Council (CCA), the regulatory body for broadcast media, decided that the license should be opened to a tender. Tendering process was subsequently postponed by the CCA until after the April elections, and on 10 June it was again deferred until after the early parliamentary elections.

¹¹ Voters have the right to vote at the place of their registered permanent residence or declared temporary residence, with the latter taking priority. The total number of requests to vote at the place of permanent residence, instead of at the temporary residence, was 6,761.

¹² The order of electoral contestants on the ballot is determined in accordance with the results of the drawing of lots organized by the CEC on the daily basis throughout the candidate nomination period. Thus, parties and candidates submitting their registration documents on the day the candidate nomination period begins receive the first places on the ballot in the order identified by the lottery.

¹³ Approximately 476,000 €; 37.5 per cent less than for April 2009 elections.

¹⁴ Approximately 31,700 €, the same as in April 2009 elections.

¹⁵ See the OSCE Representative on Freedom of the Media's Regular Report to the OSCE Permanent Council, 2 July 2009, at http://www.osce.org/documents/rfm/2009/04/38607_en.pdf.

The Election Code provides for contestants' equal access to the media and prohibits privileged treatment of state officials standing as candidates in elections. These provisions are supplemented by the CEC Media Regulation. According to the Regulation, the public media are obliged to offer electoral contestants a possibility to participate in debates and to purchase a maximum of 120 minutes of paid airtime¹⁶. Private broadcasters may offer up to 120 minutes of paid airtime per candidate and if they choose to organize free of charge debates, these debates have to be at least 90 minutes long per day. At its 3 July session, the CEC adopted a decision obliging the public broadcaster to start organizing debates between contestants as of 9 July, ahead of 12 July deadline for registration of electoral contestants.

On 26 June, the OSCE/ODIHR EOM commenced its media monitoring based on qualitative and quantitative analysis of eight television channels, two radio stations and six newspapers.¹⁷ Initial findings indicate that so far only three electoral contestants (AMN, PCRM and PDM) have produced and aired paid campaign spots during prime time.

X. OSCE/ODIHR EOM ACTIVITIES

Since 26 June, representatives of the OSCE/ODIHR EOM were received by the Minister of Foreign Affairs and European Integration, the Chairman of the CEC and other senior State officials. In addition, the OSCE/ODIHR EOM held meeting with the Head of the OSCE Mission to Moldova, Ambassadors of the OSCE participating States and representatives of international organizations. The OSCE/ODIHR EOM meets regularly with the CEC, as well as the DEC, political parties and candidates, civil society and the media.

¹⁶ At the same time, paid airtime is limited to 2 minutes per day per electoral contestant.

¹⁷ The media outlets are as follows: *Moldova 1* (public-service broadcaster), *NIT TV* (nationwide TV channels), *Prime TV*, *EU TV*, *N4*, *Pro TV Chisinau*, *TV 7* (TV channels with limited coverage outside Chisinau), *Gagauzia TV* (regional public-service broadcaster); *Radio Moldova* (public-service broadcaster), *Vocea Basarabiei* (radio stations); *Flux*, *Jurnal de Chişinău*, *Moldova Suverană*, *Timpul*, *Komsomolskaya Pravda*, *Nezavisimaya Moldova* (newspapers).